

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NEWPORT COMMONS, L.P. and)
NEWPORT COMMONS II, L.P.,) Civil Action
Plaintiffs) No. 11-cv-07029
vs.)
BLUE RIDGE CABLE TECHNOLOGIES,)
INC., doing business as)
Blue Ridge Communications,)
Defendant)

O R D E R

NOW, this 28th day of September, 2012 upon
consideration of the following documents:

- (1) Defendant, Blue Ridge Cable Technologies, Inc., d/b/a Blue Ridge Communications' Motion to Dismiss Complaint, which motion was filed on January 10, 2012, together with
 - (A) Exhibits A-G; and
 - (B) Defendant, Blue Ridge Cable Technologies, Inc., d/b/a Blue Ridge Communications' Brief in Support of its Motion to Dismiss Plaintiffs' Complaint and
- (2) Newport Commons, L.P. and Newport Commons II, L.P.'s Brief in Opposition to Blue Ridge Cable Technologies, Inc.'s Motion to Dismiss Complaint, which brief was filed on January 31, 2012, together with
 - (A) Exhibits A-G; and
- (3) Defendant Blue Ridge Cable Technologies, Inc., d/b/a Blue Ridge Communications' Reply Brief in Support of its Motion to Dismiss,

which reply brief was filed on February 13, 2012¹; and

- (4) Complaint filed by plaintiffs on November 10, 2011;

and for the reasons set forth in the accompanying Opinion,

IT IS ORDERED that Defendant, Blue Ridge Cable Technologies, Inc., d/b/a Blue Ridge Communications' Motion to Dismiss Complaint is granted.

IT IS FURTHER ORDERED that plaintiffs' Complaint filed November 10, 2011 is dismissed without prejudice for plaintiffs to resubmit the issues raised therein in arbitration and state court proceedings.

IT IS FURTHER ORDERED that the Clerk of Court mark this case closed for statistical purposes.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge

¹ Pursuant to my published Policies and Procedures reply briefs are not allowed without leave from the court.
<http://www.paed.uscourts.gov/documents/procedures/garpol.pdf>.

Here, defendant did not request, or obtain, permission to file its reply brief. Therefore, although I note that defendant filed a reply brief, I do not consider its contents in adjudicating defendant's motion to dismiss.